



PATENT APPLICATION
Attorney Docket No. 213839-0001
Date: April 11, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): McCafferty, et al.
Application No.: 09/726,219
Filed: November 28, 1998
For: METHODS FOR PRODUCING
MEMBERS OF SPECIFIC BINDING
PAIRS
Group Art Unit: 1627
Examiner: P. Ponnaluri

Certificate of Service

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4/11/03
Date

David W. Clough, Ph.D.
Registration No. 36,107
Attorney for Applicant(s)

AMENDMENT TRANSMITTAL

Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment/reply in the above-identified application.

1. () A paper requesting correction/substitution of drawings is attached.

2. **Fee for Claims**

(X) No additional fee is required.

The fee for additional claims in accordance with 37 C.F.R. §1.16(b)-(d) has been calculated as shown below:

				SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment	Highest No. Previously Paid for	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total		Minus	-	x 9	-	x 18	-
Indep.		Minus	-	X 42	-	x 84	-
Fee for Multiple Dependent Claims				+140	-	+280	-
TOTAL ADDITIONAL FEES				-	OR	-	-

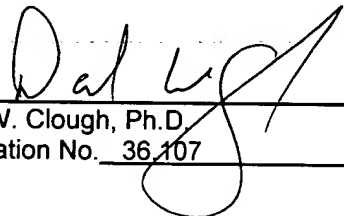
5. **Method of Payment of Fees**

- () Enclosed is our firm checks in the amount of:
- () Charge \$ _____ to Deposit Account No. 50-1214.

4. (x) The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 50-1214. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1214. This sheet is filed in duplicate.

Respectfully Submitted,

April 11, 2003
(Date)

By: 
David W. Clough, Ph.D.
Registration No. 36,107

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McCafferty *et al.*

Serial No.: 09/726,219

Filed: November 28, 2000

Title: METHODS FOR PRODUCING
MEMBERS OF SPECIFIC BINDING
PAIRS

Group Art Unit: 1627

Examiner: P. Ponnaluri

CERTIFICATE OF MAILING

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04/11/03

Date David W. Clough, Ph.D.
Registration No. 36,107
Attorney for Applicant(s)

Assistant Commissioner of Patents
Washington, D.C. 20231

AMENDMENT AND ELECTION UNDER 35 U.S.C. §121

Dear Sir:

This is in response to the Restriction Requirement mailed on March 12, 2003 (Paper No. 18), in which the Examiner has required restriction and election under 35 U.S.C. §121. Applicants also submit herewith an Information Disclosure Statement for consideration by the Examiner.

I. ELECTION

The Applicants elect Group I, claims 44 through 48, for further prosecution on the merits.

The Examiner has requested an election of a single disclosed species for prosecution on the merits in generic claims 44 and 50 through 53. The applicants believe that both claims 44 and 48 are generic in instant application. The applicants further believe that claims 44 and 48 are

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Docket No. 213839-00013

allowable as filed and therefore claims 45, 46 and 47 are also allowable as filed. However, for the purpose of responding to the request for election of a species, the applicants elect the species of claim 46, i.e. that the binding molecule is a Fab antibody molecule.

The applicants wish to point out that in related case, US patent 6,172,197, a similar set of claims were allowed without restriction to a particular species.

II. AMENDMENT

Please cancel claims 49 through 53 without prejudice to Applicants' right to pursue the subject of those claims in a duly filed divisional application.

CONCLUSION

The applicants believe that the pending claims are in condition for allowance and early notification thereof is requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 50-1214.

Respectfully submitted,

KATTEN MUCHIN ZAVIS ROSENMAN

By: 

David W. Clough, Ph.D.

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Dated: April 11, 2003
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